

Applicants: Omry Ben-Ezra et al.
U.S. Serial No.: 10/560,654
Filed: May 1, 2006
Page 2

Remarks

Restriction Requirement Under 35 U.S.C. §§121 and 372

In the September 24, 2009 Office Action the Examiner required election of one of the two following allegedly patentable distinct inventions:

Group I. Claim(s) 21-25, 30-45, 361, and 364 drawn to a treatment apparatus.

Group II. Claim(s) 164-168, 173-188, 362, 364, drawn to a treatment method.

The Examiner stated that the inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group II (method) has the special technical feature of applying a current to a vagus nerve. Group I (apparatus) does not require that the current be applied to the vagus nerve. The apparatus merely needs to be capable of being applied to the vagus nerve and could be applied to a muscle or another nerve.

Applicants' Response:

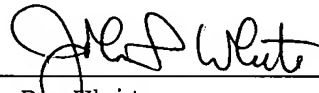
In response, applicants hereby elect Group II, which includes claims 164-168, 173-188, 362, and 364, drawn to a treatment method. This election is made without traverse.

Applicants: Omry Ben-Ezra et al.
U.S. Serial No.: 10/560,654
Filed: May 1, 2006
Page 3

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed \$490.00 fee for a two-month extension of time, is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Dunham LLP
30 Rockefeller Plaza
New York, New York 10112
Tel. No. (212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



John P. White Date
Reg. No. 28,678